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Paper No. 10

Edward Frielings
17656 Foxwood Way
Boca Raton, FL 33487

In re Patent of
Karney and Friedling
Patent No. 5,988,097
Issue Date: November 23, 1999
Application No. 09/197,987
Filing Date: November 23, 1998
For: WATERCRAFT STABILIZED BY
CONTROLLED HYDROFOIL
ELEVATION

COPY MAILED

APR 06 2004

OFFICE OF PETITIONS

Letter

Request for Information

A petition under 37 CFR 1.378(b), was filed on March 23, 2004, to accept the delayed payment of a maintenance fee for the above-identified patent.

The Office requests additional information prior to rendering a decision on the petition.

The patent issued November 23, 1999. The 3.5 year maintenance fee could have been paid from November 23, 2002 through May 23, 2003, or with a surcharge during the period from May 24, 2003 to November 23, 2003. Petitioner did not do so. Accordingly, the patent expired November 24, 2003.

Prior to January 15, 2003, Karney received a letter from Patent Renewal Service, a company that has no affiliation with the government. The letter stated that a maintenance fee was due. The letter stated that in exchange for \$125, the company would "prepare and forward to you all the documents and information necessary to avoid cancellation." The letter stated the \$125 should be submitted by January 15, 2003. A handwritten note, presumably by Karney, states that \$125 was sent to the company on January 10, 2004.

Was the check ever cashed? What information did the company send in reply? When was the information received? If information was not sent, then to the extent possible, petitioner should address the issue: was the failure to send information by the company intentional or a mistake? Petitioner should attempt to obtain a statement from the company if information was not sent in reply to the payment of \$125. A statement signed by Karney should be supplied giving a *full and complete* explanation of the events surrounding the non-payment of the maintenance fee.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. Any request to change the address should be signed by both inventors. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Petitioner should submit the requested information within TWO MONTHS of the mailing date of this letter. Extensions of time may not be obtained. No additional fee is due for a response to the

instant request for information. The response to this Requirement for Information should include a cover letter entitled "Response to Request for Information."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

If a reply is filed, and a decision in response to the reply is not received within three months, petitioner may wish to call the number below to check on the status of the reply.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions